meeting held in September between the opposition groups and the United Nations special mission. The report of Mr. Mahmoud Mestiri on the outcome of those consultations was currently being drafted and would be considered shortly by the General Assembly.

56. In paragraph 72 of his report, the Special Rapporteur had mentioned the situation of women in Afghanistan. The position of the Uléma fundamentalists, a small group, regarding women's place in society was hardly that of the population as a whole. In regions of Afghanistan where peace prevailed, women did have access to education, including higher education.

57. He was grateful to the Special Rapporteur for having mentioned the situation of refugees in eastern Iran and in Pakistan. Repatriating such refugees was difficult because of the presence of anti-personnel mines in the country. However, the Office of the United Nations High Commissioner for Refugees must be enabled to continue its assistance and the budgetary resources allocated to it for that purpose should not be reduced.

58. He also appreciated the fact that the Special Rapporteur had mentioned the meeting of the Supreme Islamic Council held on 25 July 1994 in Herat. It was indeed important to point out that steps were being taken within the country, parallel with the action carried out by the United Nations, to restore peace and security.

59. The Special Rapporteur's suggestion, which he had made in his personal capacity, that weapons in circulation in Afghanistan should be bought back was an excellent one.

60. Finally, the Afghan Government wished to reaffirm that it was committed to ensuring that the Special Rapporteur was able to visit all regions of Afghanistan in order to carry out his mandate. What he was doing in and for that country would forever be appreciated.

61. Mr. BRUNI CELLI (Special Rapporteur on the situation of human rights in Haiti) said that his report on the situation in Haiti (A/49/513) was provisional in nature, and that the final report would be submitted to the Commission on Human Rights at its fifty-first session. Moreover, as it had been submitted in September, three weeks before President Aristide's return, it did not reflect the current situation in that country.

62. He recalled the main events which had taken place in the period prior to the restoration of the legitimate Government, a period in which there had been an increase in the number of summary execution, enforced disappearance, torture, arbitrary arrest and other violations of human rights. He recalled that rape had become an instrument of repression under the military regime. He also mentioned the reappearance, during that time, of paramilitary groups, whether tontons macoutes, attachés or members of the Front révolutionnaire armé du peuple haïtien (FRAPH). In order to make "their regime" legitimate the military had appointed a civilian, Emile Jonessaint, as President; he had not been

recognized, either by the United Nations or by the Organization of American States.

63. The Special Rapporteur referred briefly to the activities carried out at the political level by the international organizations through the former Minister for Foreign Affairs of Argentina, Mr. Dante Caputo. The latter had handed in his resignation on 21 September 1994, and had been replaced by an Algerian diplomat, Lajdar Brahimi, who had gone to Haiti as Special Envoy. For its part, the United Nations/OAS International Civilian Mission, which had remained in Haiti until 12 July 1994 at which point it had been expelled by the de facto military authorities, had undertaken the difficult and dangerous task of reporting on the human rights situation and preventing massive violations of those rights. It was thanks to the reports published by the International Mission that the world had been able to follow what was going on in Haiti. Once the legitimate Government had been restored, on 15 October 1994, members of the Mission had begun to return to the country. Furthermore, the Friends of the Secretary-General for Haiti (United States, Canada, France, Venezuela and, later, Argentina) had carried out intense activities during that period in an attempt to resolve the crisis. The Secretary-General of the United Nations had submitted periodic reports to the Security Council on the progress of negotiations, the evolution of the political situation and human rights. In June 1994, the ministers for foreign affairs of the Latin American countries had met in Belém do Pará, Brazil, and had urged the Latin American States to help restore the legitimate Government in Haiti. Finally, on 31 July 1994, the United Nations Security Council had adopted resolution 940 authorizing the creation of a multinational force which would be responsible for taking steps with a view to replacing the de facto military regime by the legitimate civilian government. That had been followed by the arrival of the United Nations forces, the departure of the military leaders from Haiti, the adoption of the amnesty law, President Aristide's return, the appointment of the Prime Minister and the inauguration of the new political process. Since that time, the political situation had been returning to normal.

64. As everyone knew, the adoption of resolution 940 (1994) had been greeted, particularly in Latin America, with reservations by a number of States which were avid defenders of the principle of non-intervention. However, for some years now, the concept of the "right to intervene" had been gaining ground internationally, and the result was a complex situation in which the principle of non-intervention coexisted with the right of peoples to be protected from national authorities when the latter committed appalling crimes against their people. Thus a new right had emerged, based on universal values common to all human beings. The idea that, because of the principle of State sovereignty, it was all right to do nothing in the face of cases of assassination, disappearance, torture or arbitrary detention seemed morally unacceptable. Security Council resolution 940 (1994), had opened new prospects in relations between States and in relations between States and the international community. It had become clear that there was a need to seek new formulas for the settlement of conflicts such as the one which had taken place in Haiti. In the view of the Special Rapporteur, one of those formulas might be to strengthen the

protection of human rights by a system of collective sanctions against Governments which systematically trampled upon such rights.

65. In view of the above, the Special Rapporteur made the following recommendations. In his view, the General Assembly should express its satisfaction in view of the activity undertaken by the international community for the re-establishment of democratic legitimacy in Haiti, express its gratitude to individuals and organizations that had helped in surmounting the crisis, stress the duty to respect and ensure respect for the human rights of the Haitian people, ensure that requests for compensation of the many victims and the members of their family were followed up and establish individual responsibility for human rights violations, request the High Commissioner for Human Rights to establish a plan for setting up institutions that would contribute respect for human rights and fundamental freedoms and reaffirm that the restoration of the legitimate Government in Haiti was but the beginning of a long process. That process should include, inter alia, the following elements: a large-scale campaign for the promotion of human rights and education in that area; improvement of the administration of justice and the prison system; modernization of civil and penal legislation; genuine separation of police and armed forces; establishment of a police corps attached to the Ministry of Justice; democratization of local administrations; settlement of the problem of land ownership; separation of the powers of State and respect for their independence; and, lastly, the launching of social and economic programmes to benefit the population as a whole.

66. The Special Rapporteur recommended that the international community should continue to keep abreast of the human rights situation in Haiti. In his view, it was only through international cooperation and economic assistance, particularly in the field of development, that conditions favouring the stability of the country could be created.

67. Mr. DEGNI-SEGUI (Special Rapporteur on the situation of human rights in Rwanda) said that he had made three visits to Rwanda and neighbouring States to evaluate the situation, which had enabled him to note that, over and above the serious violations of human rights and horrible massacres that had been perpetrated in that country, it was also facing two fundamental problems, namely, reprisals against the presumed perpetrators of the genocide and the taking of refugees and displaced persons hostage.

68. In Rwanda, genocide and reprisals went together, and the population tended to impose its own justice. The recrudescence of insecurity was taking the form of serious attacks on property rights, the right to personal safety and the right to life. Houses and land abandoned by their fleeing Hutu owners were illegally occupied, particularly by members of the former Tutsi diaspora; people were arrested and imprisoned arbitrarily without a warrant and held beyond the legal time limit for police custody, while others disappeared or were summarily executed.

69. In order to put an end to those violations, the Government had taken a number of measures that were far from adequate. The Government was not

succeeding in expelling illegal occupants, building new accommodation or distributing land. The quasi-total absence of a genuine administration added to the difficulty and the lack of discipline in the army ranks did not make the task easier.

70. Moreover, the measures taken could not in themselves help to pacify the population groups resolved to take vengeance, as long as the presumed perpetrators of massacres were not prosecuted and tried but continued to circulate freely.

71. The return of refugees and displaced persons to Rwanda remained the major concern of the international community. Unfortunately, that movement, which had begun at the conclusion of the hostilities, was, if not blocked, at least slowed down by the pressure exerted on refugees and displaced persons by members of the former government team, which presented a constant threat to candidates for repatriation. It told refugees who wished to return that they might be the first targets if it regained power. In the refugee camps, a system of recruitment had been established that conferred on the perpetrators of genocide, though their local representatives, considerable powers. It was they who registered new arrivals in the camps and controlled the distribution of food and other humanitarian relief. They exercised a right of life and death over the refugees and caused total and permanent insecurity to prevail in the camps.

72. Moreover, the current insecurity in Rwanda could not be used as an excuse for "trivializing" genocide and justifying inaction. On the contrary, prompt action was needed and a correct diagnosis of the Rwandese malady, or else the international community might be the helpless witness of a second war and more massacres. In order to avoid that, the United Nations should demand that Rwanda and the refugees' host countries respect their international commitments, in particular those deriving from the relevant provisions of the conventions relating to human rights, refugees and asylum, set up an international tribunal to try the perpetrators of genocide in order to avoid reprisals and deploy an international force in the refugee camps to ensure security there. The United Nations should also launch an urgent appeal to Member States, particularly the great Powers and the African States, to render substantial and urgent assistance to the reconstruction of the Rwandese State and to take, in cooperation with OAU, initiatives to establish the conditions and the framework for a dialogue between the various Rwandese political components inside and outside the country, with a view to a political settlement of the conflict. An international conference on Rwanda should be convened with the aim of prevailing upon the parties to the conflict to negotiate in good faith, on the basis of the Arusha accords of 4 August 1993, the terms of the peace, democratic transition and national reconciliation and unity.

73. Mr. BIRO (Special Rapporteur on the situation of human rights in the Sudan) said that the situation in the Sudan had shown no improvement since the publication of his last report. On the contrary, all the facts seem to indicate that in certain areas of the southern Sudan, including the former state of Bahr al Ghazal and Western and Eastern Equatoria, it had deteriorated following

intensive and regular bombardments of civilian targets by the Sudanese government forces.

74. Since he had received no reply to the formal letter that he had addressed on 1 August 1994 to the Sudanese Government requesting permission to visit the Sudan, he had been obliged, in order to carry out his mission, to visit Kenya, Uganda and Egypt during the first two weeks of August 1994. His report was thus based on the information that he had gathered in those countries, on numerous reports of United Nations bodies and humanitarian organizations active in the southern Sudan and on detailed reports from reliable sources concerning the situation of human rights in the northern and southern regions of the Sudan.

75. He stressed the alarming situation of women and children, as well as adolescents, who were so many potential military recruits, both in the north and in the south of the country. He recalled that bombardments of civilian targets in the southern Sudan by Sudanese government forces were continuing. However, he placed the main emphasis, as in his earlier reports, on the fact that government agents and members of various factions of the parties to the conflict in the south were continuing to commit many serious human rights violations - extrajudicial executions, systematic tortures, arbitrary arrests of individuals suspected of being political opponents, etc. - which affected all categories and strata of the population. The situation in the Sudan called for continued and intensified action by the international community to ensure respect for human rights in that country.

76. Mr. YOUSIF (Sudan) said that the report of the Special Rapporteur on the situation of human rights in the Sudan was full of untrue allegations and disinformation, which was not surprising in view of the fact that the Special Rapporteur had been nominated by a Government that was consistently hostile to the Sudan and that his appointment had been confirmed by no one but the Chairman of the Commission on Human Rights, who was also hostile to the Sudanese Government.

77. The Special Rapporteur seemed to have lost sight of the principles which should have guided him in his task, namely impartiality, objectivity and non-selectivity. Through his efforts the disinformation propagated by opposition factions in the media of countries unfriendly to the Sudan had been given credibility in United Nations documents. Such techniques and the Special Rapporteur's attacks on the Sudanese Government had led the Government to cease to cooperate with him in the hope that he would be replaced by another rapporteur who was qualified and impartial.

78. With regard to the substance of the interim report submitted by the Special Rapporteur (A/49/539) under agenda item 100 (c), his delegation wished to offer the following general comments. First, the report merely repeated the allegations mentioned in previous reports. The Committee was therefore referred to documents A/C.3/49/17 and A/49/82, which contained the comments of the Sudanese Government.

79. Secondly, the Special Rapporteur lacked professionalism, never worrying whether the information submitted to him was admissible. In paragraph 21 of his report, for example, he relied on the testimony of a person who claimed to have witnessed an incident that took place between June and August 1992 which no one else had ever mentioned. Likewise, in paragraphs 9-12, the Special Rapporteur unambiguously explained that his report was based on interviews he had had with members of opposition groups, individuals and rebels in exile in Kenya, Uganda or Egypt, who, naturally, said what one would expect. Even worse, his main source of information was the Arab Lawyers Union (a radical Arab faction led by a desperate Sudanese politician), a fact which the Special Rapporteur failed to mention.

80. Thirdly, while the Special Rapporteur referred for the first time in his reports to the atrocities being committed against civilians by factions of the Sudanese People's Liberation Army (SPLA), he could not refrain from using phrases such as "following heavy fighting" when describing rebel activities, which tended to paint them as defensive activities, while the activities of the Government forces were described as indiscriminate and deliberate.

81. Fourthly, the Special Rapporteur's bias was evident when he referred in paragraph 62 of his report to "unaccompanied minors" who were receiving military training or being sent into combat. Given that the northern Sudan had a population of over 20 million, the Sudanese Government did not need to recruit minors to swell its military ranks. It was in fact the rebels who were seeking to secure new recruits by any means, including raids on refugee camps in neighbouring countries.

82. Furthermore, in his report to the Commission on Human Rights (E/CN.4/1994/48), the Special Rapporteur focused on the application of Shariah law, particularly in penal legislation, in complete disregard of the freedom of religion guaranteed by various human rights conventions. He had even called for the abolition of Islamic penal legislation, thereby offending Muslims throughout the world. His attitude had in fact been termed inadmissible in paragraph 42 of the final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference, issued on 3 October 1994. That attitude explained why the Sudanese Government had decided not to admit the Special Rapporteur into Sudanese territory.

83. Furthermore, the Special Rapporteur had on numerous occasions attended public meetings organized by leaders of the Sudanese opposition in exile and by circles hostile to the Sudan in Washington, London and Bonn. In so doing, he had violated the 1954 Standards of Conduct in the International Civil Service, which stipulated in paragraph 33, that "participation in political partisanship, or the public manifestation of views on questions of public controversy ... will destroy or diminish the contribution of international officials to the work of the international organizations".

84. The Sudan denounced the Special Rapporteur's actions, his bias against the Sudanese authorities, his collusion with opposition factions and his public statements, and was surprised that the United Nations continued to support him.

85. There had been important developments in the situation in the Sudan during the past year. First, delivery of humanitarian relief had increased significantly, with the number of relief corridors having increased from 21 to 112; the food situation in southern Sudan had also improved greatly as a result of government programmes for returnees to liberated areas.

86. With regard to popular participation in the decision-making process, the application of federalism throughout the country gave all groups in society an opportunity to participate directly in political life. The country's administration had been decentralized since February 1994, and the 26 federal states enjoyed autonomy that allowed different ethnic groups within the Sudanese population to engage in self-rule.

87. The Sudan had embarked on a new process of democratization: electoral rolls had been established and elections would be held within the next six months.

88. The Sudanese Government was endeavouring to curtail the acts of brigandage and banditry committed by the rebels in southern Sudan while seeking to reach an agreement with the rebels through negotiation. At the latest round of talks sponsored by the Intergovernmental Authority on Drought and Development (IGADD), the Sudanese Government had declared a unilateral cease-fire as of August 1994 to ensure the success of the negotiations.

89. The Sudan continued to participate in efforts to combat international terrorism and, in close cooperation with the French Government, had helped to bring about the arrest of the notorious terrorist known as "Carlos".

90. Lastly, a Ministry of Social Planning had been established to assist disadvantaged families. Naturally, the interim report of the Special Rapporteur did not mention any of those developments.

91. In conclusion, the Sudan wished to assure the members of the international community that it stood ready to cooperate fully with the United Nations and its human rights bodies, but would not deal with the Special Rapporteur or agree to any proposal to impose his presence on Sudanese territory.

The meeting rose at 1.10 p.m.